

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:99-00126-02

ANTHONY EVANS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On April 27, 2018, the United States of America appeared by Gabriele Wohl, Assistant United States Attorney, and the defendant, Anthony Evans, appeared in person and by his counsel, Rachel E. Zimarowski, Assistant Federal Public Defender, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a 26-month term of supervised release in this action on October 7, 2016, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on February 10, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respect: the defendant committed the state felony offense of aggravated assault on July 29, 2017, as evidenced by his guilty plea on February 12, 2018, in the Court of Common Pleas, Franklin County, Ohio, for which he received a sentence of six months imprisonment; as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violation warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the

defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOURTEEN (14) MONTHS, the court having concluded that an upward variance from the advisory guideline range of 4 to 10 months<sup>1</sup> is appropriate in view of the violent nature of the acts committed by the defendant that gave rise to the above offense of aggravated assault which occurred nine months after his second term of supervised release commenced on October 7, 2016, coupled with the fact that the defendant's first term of supervised release was previously revoked after he pled guilty to domestic violence and abduction on September 28, 2015, the offense having taken place one year after supervised release commenced on June 11, 2014.

The defendant was remanded to the custody of the United States Marshal.

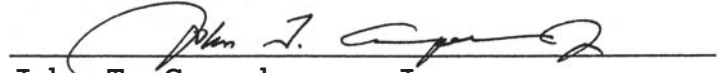
Recommendation: The court recommends that the defendant be designated to FCI Beckley.

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<sup>1</sup>As more fully set forth on the record of the hearing, the court accepted the defendant's contention that his conviction for aggravated assault constitutes a Grade B violation pursuant to USSG § 7B1.1.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 9, 2018

  
John T. Copenhaver, Jr.  
United States District Judge